

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MYRTIS PAULO HART,

Plaintiff,

v.

Civ. No. 20-cv-1046 KG-GBW

JOE LYTLE, *et al*,

Defendants.


ORDER OF DISMISSAL

This matter is before the Court following Plaintiff's failure to prosecute his civil rights action. Plaintiff is incarcerated and *pro se*. He initiated this action on October 9, 2020 by filing a Complaint for Violation of Civil Rights. (Doc. 1). By an Order entered November 6, 2020, the Court directed Plaintiff to prepay the \$400 filing fee or file a motion to proceed *in forma pauperis* within thirty days. (Doc. 2) at 1. The Order warned that the failure to timely comply will result in dismissal of the case without further notice. Plaintiff did not address the filing or otherwise respond to the Order. Hence, the Court will dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and comply with Orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the ... court's orders.").

IT IS ORDERED:

1. Plaintiff's Complaint for Violation of Civil Rights (Doc. 1) is dismissed without prejudice to refiling.

2. The Court will enter a separate judgment closing the civil case.



UNITED STATES DISTRICT JUDGE